



## आदेश पत्रक

मामला क्रमांक ..... M.A. No. 680/2004 सन् 200

विरुद्ध .....

| आदेश का<br>दिनांक आदेश<br>क्रमांक सहित | आदेश हस्ताक्षर सहित                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
|                                        | <p><b>M.A. No. 680/2004</b></p> <p><b><u>APPELLANT:</u></b> Rajesh Pandey son of R.P. Pandey, aged about 40 years, Ex-Mayor, Bilaspur R/o. Gondpara, Tahsil and District Bilaspur (C.G.)<br/>Owner of Truck No. MP 20G/5825</p> <p><b><u>Versus</u></b></p> <p><b><u>RESPONDENT:</u></b> 1. Smt. Ram Bai Gond widow of Late Manharan Gond, aged about 23 years by caste-Gond.</p> <p>2. Ganga Bai Gond, D/o. Manharan Gond, aged about 4 months, respondent No. 2 representing through- her mother Smt. Rambai being natural guardian</p> <p>Both R/o. village Parsahi P.S. Seepat, Tahsil Masturi, Distt. Bilaspur (C.G.)</p> |                                                           |
|                                        | <p><b><u>BEFORE:</u></b> <b><u>HON'BLE SHRI DHIRENDRA MISHRA, J</u></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                           |
|                                        | <p><b><u>10-4-2007</u></b></p> <p>Shri Malay Kumar Bhaduri, Advocate for the appellant.</p> <p>None appears for the respondents.</p> <p>Heard.</p> <p>This appeal is directed against the order dated 27-4-2004 passed in Claim Case No. 105/2003 by learned 4<sup>th</sup> Motor Accident Claims Tribunal, Bilaspur whereby interim compensation has been awarded to the claimants.</p> <p>Learned counsel for the appellant submits that the driver who was involved in this case was prosecuted, however the</p>                                                                                                            |                                                           |

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|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| 8/-                                    | <p>Criminal Court has acquitted him of the charges and negligence has not been proved. He further submits that involvement of the vehicle in question has not been established, therefore, the Tribunal was not justified in awarding the interim compensation against the insurer.</p> <p>Under Section 140 of Motor Vehicles Act, liability is fastened on owner, driver and Insurance Company of the vehicle and defence of no fault is not available. Having considered the facts and circumstances of the case, in the opinion of this Court, there is no illegality or infirmity in the impugned order.</p> <p>The appeal being devoid of merit fails and is dismissed.</p> | <p>Sd/-<br/>DHIRENDRA MISHRA<br/>Judge</p>                |

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